

**REMARKS**

In the Restriction Requirement mailed September 19, 2008, the Examiner has restricted the claims to one of the following inventions under 35 U.S.C. 121:

- I. Claims 1-19, and 28, drawn to a method and system for processing a billing failure in a network-based commerce facility, classified in class 705 subclass 26.
- II. Claims 20-27, drawn to a machine readable medium classified in class 705 subclass 42.

Applicants elect Group I, claims 1-19, and 28. Applicants respectfully cancel claims 20-27 (Group II) without prejudice or disclaimer, and reserve the right to reintroduce them in one or more Divisional applications at a later date.

**CONCLUSION**

Applicants respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney at 408-278-4052 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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Date October 20, 2008

By /Elena Dreszer/

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**CERTIFICATE UNDER 37 CFR 1.8:** The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 20th day of October, 2008.

Kathryn McCook  
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